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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,252	08/26/2003	Jerromy Laverne Johnson	11857.68	7130

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HAYNES AND BOONE, LLP  
901 MAIN STREET  
SUITE 3100  
DALLAS, TX 75202-3789

EXAMINER
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ALTSCHUL, AMBER L

ART UNIT	PAPER NUMBER
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3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/649,252

Applicant(s)

JOHNSON ET AL.

Examiner

Amber L. Altschul

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Notice to Applicant***

1. This communication is in response to the amendment filed on 01/18/2007. Claims 1-21 remain pending. Claims 1, 7, 14, 15, 18, and 20 have been amended.

***Claim Rejections - 35 USC § 101***

2. The rejection of the claims under 35 U.S.C. 101, is hereby withdrawn due to the amendment filed January 18, 2007.

***Claim Rejections - 35 USC § 112***

3. The rejection of claims under 35 U.S.C. 112, first paragraph, is hereby withdrawn due to the amendment filed January 18, 2007.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 14 16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks, et al., hereinafter Jinks. (U.S. Patent Application Publication No. 2002/0055862) in view of Ogawa, et al. (U.S. Patent Application Publication No. 2001/0023404).

6. As per claim 1, Jinks teaches a method for establishing rates for a property insurance policy comprising:

determining a single tier placement for an applicant dependent upon a combination of mutually exclusive factors based on a plurality of data about the applicant, such that no single

risk characteristic is the sole determinant for placement in a tier (page 1, para. 2), the factors including:

- a) a protection class, (page 1, para. 2); and
- b) a previous paid loss history, (page 4, para. 26); and

Jinks does not teach establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. However, Ogawa teaches establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote, (page 2, para. 35).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Ogawa's teachings with the motivation of providing premium estimates from a plurality of insurance providers based on inputting conditions which affect the premium calculation (Ogawa, abstract).

7. As per claim 2, Jinks teaches the method of claim 1 as described above. Jinks further teaches the following:

wherein the policy is a renewal policy, (page 3, para. 23).

8. Regarding claim 3, Jinks teaches the method of claims 1 and 2 as described above. Jinks further teaches the following:

wherein the protection class is one of a plurality of nationally published numbers, (page 3, para. 24).

9. Regarding claim 4, Jinks teaches the method of claim 1-3 as described above. Jinks further teaches the following:

the nationally published numbers are in a range of from 1 to 10. (page 3, para. 24).

10. Regarding claim 5, Jinks teaches the method of claims 1-2 as described above. Jinks further teaches the following:

the previous paid loss history establishes one number in a range of from 0 losses to 3 or more losses paid in a previous three year period., (page 4, para. 26).

11. Regarding claim 6, Jinks teaches the method of claim 1 as described above. Jinks further teaches the following:

wherein the previous paid loss history is established based on one or more of information provided by an applicant, information provided by an insurer, and information provided by a third party, (pages 4-5, paragraphs 33-34).

12. As per claim 14, Jinks teaches following:

A system for establishing rates for a property insurance policy comprising:

a computer system for determining a single tier placement for an applicant dependent upon a combination of mutually exclusive factors based on a plurality of data about the applicant, (page 1, para. 2), the computer system including:

a storage device storing a program, (claim 10); and

a processor coupled to the storage device, (page 1, para. 6), the processor operative with the program for establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant in response to determining a protection class factor and a previous paid loss history factor, (claim 10), wherein the tier placement results in one of a

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preferred rate quote, a standard rate quote, and a non-standard rate quote. processing the insurance information in accordance with the respective underwriting rules to determine whether a premium quotation may be issued for each of the two or more insurance carriers. Jinks does not teach wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. processing the insurance information in accordance with the respective underwriting rules to determine whether a premium quotation may be issued for each of the two or more insurance carriers. However, Ogawa teaches wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. processing the insurance information in accordance with the respective underwriting rules to determine whether a premium quotation may be issued for each of the two or more insurance carriers, (page 2, para. 35).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Ogawa's teachings with the motivation of providing premium estimates from a plurality of insurance providers based on inputting conditions which affect the premium calculation (Ogawa, abstract).

13. Regarding claim 16, Jinks teaches the method of claim 14 as described above. Jinks further teaches the following:

wherein the policy is a renewal policy, (page 3, para. 23).

14. As per claim 18, Jinks teaches the following:

A method for establishing rates for a property insurance policy for a member of a membership organization comprising:

an applicant communicating a request for property insurance, (abstract);

in response to the request, using a computer system for determining a single tier placement for the applicant dependent upon a combination of mutually exclusive factors based on a plurality of data provided by the applicant, (page 1, para. 2), the factors including:

- a) a protection class, (page 1, para. 2); and
- b) a previous paid loss history, (page 4, para. 26); and

Jinks does not teach establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. However, Ogawa teaches establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote, (page 2, para. 35).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Ogawa's teachings with the motivation of providing premium estimates from a plurality of insurance providers based on inputting conditions which affect the premium calculation (Ogawa, abstract).

15. As per claim 19, Jinks teaches the method of claim 18 as described above. Jinks further teaches the following:

wherein the policy is a renewal policy, (page 3, para. 23).

16. Claims 7-13, 15, 17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks, et al. (U.S. Patent Application Publication Number US 2002/0055862) in view of Ogawa, et al. (U.S. Patent Application Publication No. 2002/0055862) and further in view of ChoicePoint, 2002-01-24, [online], Retrieved from web.archive.org using the Internet <URL:

<http://web.archive.org/web/20020124085629/http://www.choicepoint.net/>>. (Hereinafter ChoicePoint).

17. As per claim 7, the method of claim 1 is taught as described above. Jinks does not teach wherein the factors for determining a single tier placement for the applicant further comprise an insurance credit score. However, ChoicePoint teaches determining an insurance credit score, (Insurance Information Services, page 1).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Choicepoint's teachings with the motivation to determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

18. Regarding claim 8, Jinks in view of ChoicePoint teaches the method of claim 7 as described above. Jinks further teaches the method wherein the policy is a new policy, (page 3, para. 24).

19. Regarding claim 9, Jinks in view of ChoicePoint teaches the method of claim 7 as described above. Jinks does not teach wherein the insurance credit score is derived from a nationally used credit model. However, ChoicePoint teaches wherein the insurance credit score is derived from a nationally used credit model, (Insurance Information Services, page 1). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate determining an insurance credit score into the method taught by Jinks. One of ordinary skill in the art would have been motivated to incorporate this method into Jinks and determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).



20. Regarding claim 10, Jinks in view of ChoicePoint teaches the method of claim 9 described above. Jinks does not teach wherein the insurance credit score is a three digit number which falls into one of a set of multiple ranges. However, ChoicePoint teaches wherein the insurance credit score the insurance credit score is a three digit number which falls into one of a set of multiple ranges, (Insurance Information Services, page 1). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate determining an insurance credit score into the method taught by Jinks. One of ordinary skill in the art would have been motivated to incorporate this method into Jinks and determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

21. Regarding claim 11, Jinks in view of ChoicePoint teaches the method of claim 7 as described above. Jinks further teaches the method wherein the protection class is one of a plurality of nationally published numbers, (page 3, para. 24). Examiner interprets 'standard ISO classifications' to encompass a plurality of nationally published numbers.

22. Regarding claim 12, Jinks in view of ChoicePoint teaches the method of claim 11 as described above. Jinks further teaches the method wherein the nationally published numbers are in a range of from 1 to 10. (page 3, para. 24). The instant application states, "The protection class factor at 104 includes an assigned number of from 1 (best) to 10 (worst). This number is provided by The Insurance Services Organization (ISO) on a nationally available rating table".

23. Regarding claim 13, Jinks in view of ChoicePoint teaches the method of claim 7 as described above. Jinks further teaches the method wherein the previous paid loss history establishes one number in a range of from 0 losses to 3 or more losses paid in a previous three year period., (page 4, para. 26).

24. Regarding claim 15, the method of claim 14 is taught as described above. Jinks does not teach wherein the processor is operative with the program to establish a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant in response to further determining an insurance credit score factor. However, ChoicePoint teaches wherein the processor is operative with the program to establish a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant in response to further determining an insurance credit score factor, (Insurance Information Services, page 1).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Choicepoint's teachings with the motivation to determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

25. Regarding claim 17, Jinks in view of ChoicePoint teaches the method of claim 15 as described above. Jinks further teaches the method wherein the policy is a new policy, (page 3, para. 24).

26. As per claim 20, the method of claim 18 is taught as described above. Jinks does not teach wherein the factors used for determining a single tier placement for the applicant further include an insurance credit score. However, ChoicePoint teaches wherein the factors used for determining a single tier placement for the applicant further include an insurance credit score, (Insurance Information Services, page 1).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine Jinks and Choicepoint's teachings with the motivation to determine an

insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

27. Regarding claim 21, Jinks in view of ChoicePoint teaches the method of claim 20 as described above. Jinks further teaches the method wherein the policy is a new policy, (page 3, para. 24).

### *Response to Arguments*

28. Applicant's arguments filed January 18, 2007 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed January 18, 2007.

(A) At page 6 of the January 18, 2007 response, Applicant argues that Jinks does not disclose determining a tier placement of an applicant based on a combination of mutually exclusive factors including a protection class and a previous paid loss history.

In response, the Examiner respectfully disagrees. It is readily apparent that Jinks discloses that insurance carriers issue insurance policies based on the classification of the insurance sought as well as the risk posed by that classification or other factors pertaining to the business or business activity, (page 1, para. 2). In addition, Jinks discloses collecting additional information concerning the insurance policy such as background information about the applicant, prior loss information, and details related to the coverage desired (e.g., amount, payroll, subcontractor information, etc.), (page 4, para. 26). Therefore, it follows that Jinks' 'classification of the insurance sought as well as the risk posed by that classification or other factors pertaining to the business or business activity' is essentially equivalent to determining a tier placement of an applicant based on a combination of mutually exclusive factors including a

protection class and a previous paid loss history. Thus, the Examiner respectfully contends that Jinks' classification is an art recognized equivalent to the tier placement.

29. With regard to Applicant's arguments, it is respectfully submitted that the Examiner has applied new prior art to the amended features of amended claims (1, 14, and 18) at the present time. As such, Applicant's remarks with regard to the application of Jinks and ChoicePoint to the amended claim are moot in light of the inclusion of the teachings of Ogawa addressed in the above Office Action. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Luchs et al. (U.S. Patent No. US 4831526 A) teaches computerized insurance premium quote request and policy issuance system.

-Aleia, et al. (U.S. Patent No. US 5991733 A) teaches Method and computerized system for managing insurance receivable accounts.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is 571-270-1362. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*ALA*

ALA  
March 19, 2007

  
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